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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

DOCTOR DANIELLE LLC, a
Washington limited liability company,

Plaintiff,

vs.

MARYRUTH ORGANICS, LLC, a
California limited liability company,

Defendant.

) No. 2:22-CV-00006-SAB

) DOCTOR DANIELLE LLC'S
) ANSWER TO MRO MARYRUTH,
) LLC'S COUNTERCLAIMS

) JURY DEMAND

MRO MARYRUTH, LLC,

Counterclaim Plaintiff,

vs.

DOCTOR DANIELLE LLC,

Counterclaim Defendant.

DOCTOR DANIELLE LLC'S ANSWER
TO COUNTERCLAIMS -- 1

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1 Counterclaim Defendant Doctor Danielle LLC (“Doctor Danielle”) answers
2 Counterclaim Plaintiff MRO MaryRuth, LLC’s (“MRO MaryRuth”)
3 Counterclaims (Dkt. #7) (“Counterclaims”) as follows:
4

5 **PRELIMINARY STATEMENT**

6 1. Doctor Danielle is without knowledge of the truth or falsity of the
7 allegations set forth in Paragraph 1 of MRO MaryRuth’s Counterclaims and,
8 therefore, denies same.

9 2. Doctor Danielle is without knowledge of the truth or falsity of the
10 allegations set forth in Paragraph 2 of MRO MaryRuth’s Counterclaims and,
11 therefore, denies same.
12

13 3. The first sentence of Paragraph 3 of MRO MaryRuth’s Counterclaims
14 consists entirely of a statement of law to which no response is required.
15 Answering the second sentence, Doctor Danielle admits that in 2021 it changed its
16 logo. Doctor Danielle denies the remaining allegations.

17 4. Answering the allegations set forth in Paragraph 4 of the
18 Counterclaims, Doctor Danielle admits it received a cease-and-desist letter from
19 MaryRuth Organics, LLC; it believed that an unjustified lawsuit was imminent;
20 and on that basis it filed the instant lawsuit. Doctor Danielle denies the remaining
21 allegations.
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1 **PARTIES**

2 5. Doctor Danielle is without knowledge of the truth or falsity of the
3 allegations set forth in Paragraph 5 of MRO MaryRuth's Counterclaims and,
4 therefore, denies same.
5

6 6. Doctor Danielle admits the allegations set forth in Paragraph 6 of
7 MRO MaryRuth's Counterclaims.

8 **JURISDICTION AND VENUE**

9 7. The first sentence of Paragraph 7 of MRO MaryRuth's Counterclaims
10 consists entirely of a statement of law to which no response is required. Doctor
11 Danielle admits the remaining allegations.
12

13 8. Doctor Danielle admits the allegations set forth in Paragraph 8 of
14 MRO MaryRuth's Counterclaims.

15 9. Doctor Danielle admits the allegations set forth in Paragraph 9 of
16 MRO MaryRuth's Counterclaims.

17 10. Doctor Danielle admits the allegations set forth in Paragraph 10 of
18 MRO MaryRuth's Counterclaims.
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20 **FACTUAL BACKGROUND**

21 11. Doctor Danielle is without knowledge of the truth or falsity of the
22 allegations set forth in Paragraph 11 of MRO MaryRuth's Counterclaims and,
23 therefore, denies same.
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1 12. Doctor Danielle is without knowledge of the truth or falsity of the
2 allegations set forth in Paragraph 12 of MRO MaryRuth's Counterclaims and,
3 therefore, denies same.

4 13. Doctor Danielle is without knowledge of the truth or falsity of the
5 allegations set forth in Paragraph 13 of MRO MaryRuth's Counterclaims and,
6 therefore, denies same.

7 14. Doctor Danielle is without knowledge of the truth or falsity of the
8 allegations set forth in Paragraph 14 of MRO MaryRuth's Counterclaims and,
9 therefore, denies same.

10 15. Doctor Danielle is without knowledge of the truth or falsity of the
11 allegations set forth in Paragraph 15 of MRO MaryRuth's Counterclaims and,
12 therefore, denies same.

13 16. Doctor Danielle is without knowledge of the truth or falsity of the
14 allegations set forth in Paragraph 16 of MRO MaryRuth's Counterclaims and,
15 therefore, denies same.

16 17. Doctor Danielle is without knowledge of the truth or falsity of the
17 allegations set forth in Paragraph 17 of MRO MaryRuth's Counterclaims and,
18 therefore, denies same.

19 18. Doctor Danielle is without knowledge of the truth or falsity of the
20 allegations set forth in Paragraph 18 of MRO MaryRuth's Counterclaims and,
21 therefore, denies same.

1 19. Doctor Danielle is without knowledge of the truth or falsity of the
2 allegations set forth in Paragraph 19 of MRO MaryRuth's Counterclaims and,
3 therefore, denies same.

4 20. Doctor Danielle is without knowledge of the truth or falsity of the
5 allegations set forth in Paragraph 20 of MRO MaryRuth's Counterclaims and,
6 therefore, denies same.

7 21. Doctor Danielle admits the allegations set forth in Paragraph 21 of
8 MRO MaryRuth's Counterclaims and, therefore, denies same.

9 22. Doctor Danielle is without knowledge of the truth or falsity of the
10 allegations set forth in Paragraph 22 of MRO MaryRuth's Counterclaims and,
11 therefore, denies same.

12 23. Doctor Danielle is without knowledge of the truth or falsity of the
13 allegations set forth in Paragraph 23 of MRO MaryRuth's Counterclaims and,
14 therefore, denies same.

15 24. The allegations set forth in Paragraph 24 of MRO MaryRuth's
16 Counterclaims consist entirely of a naming convention to which no response is
17 required.

18 25. Doctor Danielle is without knowledge of the truth or falsity of the
19 allegations set forth in Paragraph 25 of MRO MaryRuth's Counterclaims and,
20 therefore, denies same.

1 26. Doctor Danielle is without knowledge of the truth or falsity of the
2 allegations set forth in Paragraph 26 of MRO MaryRuth's Counterclaims and,
3 therefore, denies same.

4 27. Doctor Danielle is without knowledge of the truth or falsity of the
5 allegations set forth in Paragraph 27 of MRO MaryRuth's Counterclaims and,
6 therefore, denies same.

7 28. Doctor Danielle admits the allegations set forth in Paragraph 28 of
8 MRO MaryRuth's Counterclaims.

9 29. Doctor Danielle admits the allegations set forth in the first sentence of
10 Paragraph 29 of MRO MaryRuth's Counterclaims. Answering the remaining
11 allegations, Doctor Danielle states that the included image depicts one of Doctor
12 Danielle's product labels and that its product labels and products speak for
13 themselves. Doctor Danielle denies the remaining allegations.

14 30. Doctor Danielle admits the allegations set forth in the first sentence of
15 Paragraph 30 of MRO MaryRuth's Counterclaims. Answering the remaining
16 allegations, Doctor Danielle states that it changed its logo. It denies the remaining
17 allegations.

18 31. Answering the allegations set forth in Paragraph 31 of MRO
19 MaryRuth's Counterclaims, Doctor Danielle admits that it does not have a federal
20 trademark registration for its new logo and that it has not applied for one. Doctor
21 Danielle denies the remaining allegations.

1 32. Doctor Danielle denies the allegations set forth in the first sentence of
2 Paragraph 32 of MRO MaryRuth's Counterclaims. Answering the remaining
3 allegations, Doctor Danielle states that its new logo speaks for itself, and is shown
4 in the included images. It denies the remaining allegations.
5

6 33. Doctor Danielle admits the allegations set forth in the first sentence of
7 Paragraph 33 of MRO MaryRuth's Counterclaims. Answering the remaining
8 allegations, Doctor Danielle states that its website speaks for itself, and a portion is
9 shown in the included image. It denies the remaining allegations.
10

11 34. The allegations set forth in Paragraph 34 of MRO MaryRuth's
12 Counterclaims consist entirely of a naming convention to which no response is
13 required.
14

15 35. Answering the allegations set forth in Paragraph 35 of MRO
16 MaryRuth's Counterclaims, Doctor Danielle admits that the included chart shows
17 Doctor Danielle's new and old logos and a portion of some of its products. Doctor
18 Danielle denies the remaining allegations.
19

20 36. Answering the allegations set forth in Paragraph 36 of MRO
21 MaryRuth's Counterclaims, Doctor Danielle admits that the included images
22 depict a small portion of Doctor Danielle's website. Doctor Danielle denies the
23 remaining allegations.
24

25 37. Answering the allegations set forth in Paragraph 37 of MRO
26 MaryRuth's Counterclaims, Doctor Danielle admits that it owns, manages,
operates, or promotes a commercial website accessible at <https://drdanielle.com/>.

1 The remaining allegations consist of conclusions of law to which no answer is
2 required. If a response is required, Doctor Danielle denies the allegations.

3 38. Answering the allegations set forth in Paragraph 38 of MRO
4 MaryRuth's Counterclaims, Doctor Danielle admits that since rebranding in
5 October 2021, it has used its website to make sales of products bearing its new
6 logo and trade dress to consumers in the United States. Doctor Danielle denies the
7 remaining allegations.
8

9 39. Answering the allegations set forth in Paragraph 39 of MRO
10 MaryRuth's Counterclaims, Doctor Danielle admits that it sells products bearing
11 its new logo and trade dress on Amazon.com and other online retailers. Doctor
12 Danielle denies the remaining allegations.
13

14 40. Answering the allegations set forth in Paragraph 40 of MRO
15 MaryRuth's Counterclaims, Doctor Danielle admits that MaryRuth's did not
16 license or authorize Doctor Danielle to display its new logo or trade dress, and that
17 no license or authorization was required. Doctor Danielle denies the remaining
18 allegations.
19

20 41. Doctor Danielle denies the allegations set forth in Paragraph 41 of
21 MRO MaryRuth's Counterclaims.

22 42. Answering the allegations set forth in Paragraph 42 of MRO
23 MaryRuth's Counterclaims, Doctor Danielle admits that it received a cease-and-
24 desist letter from MaryRuth Organics, LLC, which speaks for itself. Doctor
25 Danielle denies the remaining allegations.
26

1 43. Answering the allegations set forth in Paragraph 43 of MRO
2 MaryRuth's Counterclaims, Doctor Danielle states that its Complaint speaks for
3 itself. Doctor Danielle denies the remaining allegations.

4 44. Doctor Danielle denies the allegations set forth in Paragraph 44 of
5 MRO MaryRuth's Counterclaims.
6

7 **CAUSES OF ACTION**

8 **COUNT I**

9 **TRADEMARK INFRINGEMENT IN**

10 **VIOLATION OF 15 U.S.C. § 1114(a)**

11 45. Doctor Danielle repeats and re-alleges the allegations set forth above.
12

13 46. The allegations set forth in Paragraph 46 of MRO MaryRuth's
14 Counterclaims consist entirely of a statement of law to which no response is
15 required. If a response is required, Doctor Danielle denies the allegations.

16 47. Doctor Danielle denies the allegations set forth in Paragraph 47 of
17 MRO MaryRuth's Counterclaims.
18

19 **COUNT II**

20 **TRADE DRESS INFRINGEMENT IN**

21 **VIOLATION OF 15 U.S.C. § 1125(a)**

22 48. Doctor Danielle repeats and re-alleges the allegations set forth above.

23 49. Answering the allegations set forth in the first sentence of Paragraph
24 49 of MRO MaryRuth's Counterclaims, Doctor Danielle states that the allegations
25 consist entirely of a statement of law to which no response is required. If a
26

1 response is required, Doctor Danielle denies the allegations. Doctor Danielle
2 denies the remaining allegations.

3 50. Doctor Danielle is without knowledge of the truth or falsity of the
4 allegations set forth in Paragraph 50 of MRO MaryRuth's Counterclaims and,
5 therefore, denies same.
6

7 51. Doctor Danielle denies the allegations set forth in Paragraph 51 of
8 MRO MaryRuth's Counterclaims.

9 52. Doctor Danielle denies the allegations set forth in Paragraph 52 of
10 MRO MaryRuth's Counterclaims.

11 53. Doctor Danielle denies the allegations set forth in Paragraph 53 of
12 MRO MaryRuth's Counterclaims.
13

14 54. Doctor Danielle denies the allegations set forth in Paragraph 54 of
15 MRO MaryRuth's Counterclaims.

16 **COUNT III**

17 **COMMON LAW TRADEMARK INFRINGEMENT**

18 55. Doctor Danielle repeats and re-alleges the allegations set forth above.
19

20 56. The allegations set forth in Paragraph 56 of MRO MaryRuth's
21 Counterclaims consist entirely of a statement of law to which no response is
22 required. If a response is required, Doctor Danielle denies the allegations.

23 57. Doctor Danielle denies the allegations set forth in Paragraph 57 of
24 MRO MaryRuth's Counterclaims.
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1 **COUNT IV**

2 **COMMON LAW TRADE DRESS INFRINGEMENT**

3 58. Doctor Danielle repeats and re-alleges the allegations set forth above.

4 59. The allegations set forth in Paragraph 59 of MRO MaryRuth's
5 Counterclaims consist entirely of a statement of law to which no response is
6 required. If a response is required, Doctor Danielle denies the allegations.
7

8 60. Doctor Danielle denies the allegations set forth in Paragraph 60 of
9 MRO MaryRuth's Counterclaims.

10 **COUNT V**

11 **UNFAIR COMPETITION IN VIOLATION OF**

12 **RCW §§ 19.86.020 and 19.86.090, et seq.**

13 61. Doctor Danielle repeats and re-alleges the allegations set forth above.

14 62. The allegations set forth in Paragraph 62 of MRO MaryRuth's
15 Counterclaims consist entirely of a statement of law to which no response is
16 required. If a response is required, Doctor Danielle denies the allegations.
17

18 63. Answering the allegations set forth in the first sentence of Paragraph
19 63 of MRO MaryRuth's Counterclaims, Doctor Danielle states that the allegations
20 consist entirely of a statement of law to which no response is required. If a
21 response is required, Doctor Danielle denies the allegations. Doctor Danielle
22 denies the remaining allegations.
23

24 64. Doctor Danielle denies the allegations set forth in Paragraph 64 of
25 MRO MaryRuth's Counterclaims.
26

1 65. Doctor Danielle denies the allegations set forth in Paragraph 65 of
2 MRO MaryRuth's Counterclaims.

3 **AFFIRMATIVE DEFENSES**

4 1. MRO MaryRuth's Counterclaims fail to state a claim upon which
5 relief can be granted.
6

7 2. MRO MaryRuth's Counterclaims are barred by laches.

8 **JURY DEMAND**

9 Doctor Danielle respectfully demands a trial by jury on all claims and
10 defenses stated herein.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Doctor Danielle prays for judgment against MRO
13 MaryRuth:
14

15 1. Dismissing MRO MaryRuth's Counterclaims in their entirety with
16 prejudice;

17 2. Denying all relief that MRO MaryRuth seeks in its Counterclaims;
18 and
19

20 3. Awarding Doctor Danielle its reasonable attorney's fees and costs.

21 4. Awarding Doctor Danielle such other and further relief as the Court
22 deems just and proper.
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1 DATED this 9th day of February, 2022.

2 ATKINS INTELLECTUAL PROPERTY,
3 PLLC

4 By /s/ Michael G. Atkins

5 Michael G. Atkins

6 WSBA# 26026

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10 Doctor Danielle LLC

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By /s/ Michael G. Atkins
Michael G. Atkins